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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MURRAY HOROWITZ, individually and as a
joint tenant; and MARK HOROWITZ, individually
and as a joint tenant,

Defendants.

Adv. Pro. No. 10-04748 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF DEFENDANT MURRAY HOROWITZ WITH PREJUDICE**

WHEREAS, on December 1, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against Murray Horowitz, individually and as a joint tenant, and Mark Horowitz, individually and as a joint tenant (collectively, “Defendants”);

WHEREAS, Defendant Murray Horowitz died on June 13, 2007; and

WHEREAS, the Parties have met and conferred to negotiate a consensual dismissal of Defendant Murray Horowitz from the above-captioned adversary proceeding.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Defendant Mark Horowitz, by and through his counsel, Chaitman, LLP (collectively, the “Parties”), as follows:

1. On December 1, 2010, the Trustee filed and served the Complaint against Defendants.
2. On August 14, 2015, Defendant Mark Horowitz served an answer on the Trustee, referencing the death of Defendant Murray Horowitz on June 13, 2007.
3. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Murray Horowitz in the above-captioned adversary proceeding.
4. The Parties reserve all rights, claims and defenses they may have, and entry into

this Stipulation shall not impair or otherwise affect such rights, claims and defenses. Nothing contained in this Stipulation can or shall be construed as an adjudication on the merits of claims that the Parties may have against each other or any other party, or as an admission or acknowledgement of any claim or defense as against the other by either Party.

5. Upon the dismissal of Murray Horowitz, the caption for this Proceeding is hereby amended to delete Murray Horowitz from the caption. The amended caption of the Proceeding shall appear as indicated on Exhibit A to this stipulation.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: New York, New York
November 10, 2015

BAKER & HOSTETLER LLP

Of Counsel:

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Attorney for Defendant Mark Horowitz

SO ORDERED

Dated: November 10th, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE